



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,783	09/26/2003	Walter Dietz	030593-US	9681
7278 7590 05/01/2008 DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770				
EXAMINER MARKOFF, ALEXANDER				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
05/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/672,783
Filing Date: September 26, 2003
Appellant(s): DIETZ ET AL.

Eric R. Swanson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02/06/08 appealing from the Office action mailed 08/08/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 15-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakane (US Patent NO 5,335,524).

Sakane teaches a method as claimed and teaches all profiles and RPM numbers as claimed. See entire document, especially Figure 3 and the related description and columns 1, 2, 5 and 6.

Sakane teaches determining the load and setting the required speed profile using the determined load as a function of the determined load (column 5, lines 12-61, column 6, lines 4-63, especially lines 45-53). The speed profile of the method of Sakane is the same as claimed (Figure 3). The limits of 40 rpm and 55 rpm are the same as recited by claims 20 and 21 (30-40 rpm and 50-80 rpm).

(10) Response to Argument

Claims 15-17 and 19-22

The Appellants argue that Sakane does not teach the claimed limitations of "measuring a load" parameter" and "setting an upper and a lower limit of a rotational speed of a drum of the laundry treatment machine as a function of the load parameter.

The examiner disagrees.

In contrast to the Appellants' statement Sakane teaches determining the load and setting the required speed profile using the determined load as a function of the determined load (column 5, lines 12-61, column 6, lines 4-63, especially lines 45-53).

The speed profile of the method of Sakane is the same as claimed (Figure 3). The limits of 40 rpm and 55 rpm are the same as recited by claims 20 and 21 (30-40 rpm and 50-80 rpm). The claims require setting the limits of the speed as a function of the load. The claims neither specify the function, nor require any specific method of determining the speed values. Setting the limits of the speed as a function of the load is disclosed by Sakane.

Claim 18

With respect to claim 18 the Appellants argue that Sakane does not teach a trapezoidal configuration.

The examiner disagrees.

Trapezoid is a four-sided figure with one pair of parallel sides. Sakane shows profile which is substantial trapezoidal on Figure 3. The sides, which correspond to accelerating to speed n_a and decelerating from speed n_b are substantial parallel. It is noted that the Appellants show the corresponding accelerating and decelerating sides as parallel and vertical (Figure 2) however in reality the referenced sides of the profile would not be parallel and vertical because acceleration and deceleration of the drum would require at least some time due to inertia of the drum.

Claim 23

Art Unit: 1700

With respect to claim 23 the Appellants argue that Sakane does not teach that "a load parameter is a function of a weight of the laundry disposed in the laundry machine".

The examiner disagrees. Sakane determines the amount of the load based on the rotational at the applied voltage, current and the torque (column 6, lines 4-44). It is clear that what is determined is weight or mass, which are proportional to the torque.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Alexander Markoff/

Primary Examiner, Art Unit 1792

Conferees:

/Michael Barr/

Supervisory Patent Examiner, Art Unit 1792

/Gregory L Mills/

Supervisory Patent Examiner, Art Unit 1700